
From: (b) (6), (b) (7)(C)
Sent: Monday, February 09, 2009 10:14 AM
To: (b) (6), (b) (7)(C)
Cc:
Subject: RE: cdcl reclaim
Attachments: wasted.docx

Gents

I am after the attached exclusion what say you?

AVA Solar, Inc.
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From: (b) (6), (b) (7)(C)
Sent: Thursday, February 05, 2009 11:24 AM
To: (b) (6), (b) (7)(C)
Cc:
Subject: RE: cdcl reclaim
Importance: High

Well a few things that relate to the process:

- Rinse water, if it won't pass a TCLEP, will be regarded as hazardous waste and we will need to meet the 90 day storage requirement.
- We may need a RCRA permit to treat the waste since we are inducing a physical change of the material.
- We would need to have a 90 day waste turn-around. I would suggest two tanks so that we could rotate tanks and verify that each was emptied in that 90 day time frame. We won't be able to implement a 40,000 gallon storage tank for one year storage.
- There are additions to EPA regs that will allow a little more variation in treatment requirements, but I don't believe that the state has adopted any of these additions at this point.

Give me a call and we can discuss further.

Thanks!

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(b) (7)(C)

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EHS Manager
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From: (b) (6), (b) (7)(C)
Sent: Thursday, February 05, 2009 10:10 AM
To: (b) (6), (b) (7)(C)
Cc: [REDACTED]
Subject: RE: cdcl reclaim

Thanks (b) (6), (b) (7)(C)

In order for me to map out the process flow, site plan, tank size, I need to clarify the storage constraints according to the EPA, from what I understand we can only store for 90 days. Is this true if we are going to reprocess CdCl and reuse?

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From: (b) (6), (b) (7)(C)
Sent: Thursday, February 05, 2009 9:43 AM
To: (b) (6), (b) (7)(C)
Cc: [REDACTED]
Subject: RE: cdcl reclaim

Great questions. To assist in determining the best solution, we will need detailed information on:

- Process (including proposed process flow diagram)
- Site plan and location
- Storage tank size and proposed type of tank
- Expected input/out quantities and concentration.
- Expected duration of storage
- Expected shipping processes (55 gallon drum, vac truck, etc.)
- Discussion on how the process will be integrated into and out of the facility

This information will provide the initial info necessary to begin research into the various regulatory requirements.

Thanks!

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From: (b) (6), (b) (7)(C)
Sent: Thursday, February 05, 2009 9:25 AM
To: (b) (6), (b) (7)(C)
Cc:
Subject: cdcl reclaim

(b) (6),
(b) (7)(C)

Per our conversation yesterday:
We are going forward with the CdCl reclaim project so I will need some guidance on EH&S issues the following items come to mind:
Can we store concentrated CdCl ? I am aware of a 90 day EPA rule can you explain this? If we are going to reprocess and reuse can we circumvent?
What type of plumbing is required to move this affluent from the rinse tool to the processing are?
What type of storage tanks do we need? Can we store outside? If we build a small room to house the processing equipment what would be required? Respirators? Regulated area? What would we need to vent off a boiler to outside?permits?testing?


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A person who generates a solid waste, as defined in 40 CFR 261.2, must determine if that waste is a hazardous waste using the following method:

- (a) He should first determine if the waste is excluded from regulation under 40 CFR 261.4.
- (b) He must then determine if the waste is listed as a hazardous waste in subpart D of 40 CFR part 261.

Note: Even if the waste is listed, the generator still has an opportunity under 40 CFR 260.22 to demonstrate to the Administrator that the waste from his particular facility or operation is not a hazardous waste.

(c) For purposes of compliance with 40 CFR part 268, or if the waste is not listed in subpart D of 40 CFR part 261, the generator must then determine whether the waste is identified in subpart C of 40 CFR part 261 by either:

- (1) Testing the waste according to the methods set forth in subpart C of 40 CFR part 261, or according to an equivalent method approved by the Administrator under 40 CFR 260.21; or
 - (2) Applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used.
- (d) If the waste is determined to be hazardous, the generator must refer to parts 261, 264, 265, 266, 268, and 273 of this chapter for possible exclusions or restrictions pertaining to management of the specific waste.

[45 FR 33142, May 19, 1980, as amended at 45 FR 76624, Nov. 19, 1980; 51 FR 40637, Nov. 7, 1986; 55 FR 22684, June 1, 1990; 56 FR 3877, Jan. 31, 1991; 60 FR 25541, May 11, 1995]

40 CFR §261.4(a-b)

§261.4 Exclusions.

(a) Materials which are not solid wastes. The following materials are not solid wastes for the purpose of this part:

(8) Secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process provided:

(i) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;

(ii) Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces, or incinerators);

(iii) The secondary materials are never accumulated in such tanks for over twelve months without being reclaimed; and